

SENATE BILL 2909

By Marrero B

AN ACT to amend Tennessee Code Annotated, Section
36-1-113, relative to termination of parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by renumbering the existing subsection as (j)(l) and adding the following as new subdivisions (2), (3) and (4) thereto:

(2) Verified answers and defenses are required to be filed by all respondents in response to a petition for termination and a petition for adoption where termination is also sought. Failure to file a verified answer by the party can result in a default being taken in accordance with the Tennessee Rules of Civil Procedure. Any counter-petition filed must also be verified;

(3) A child shall be appointed a guardian ad litem as provided under Rules 13 and 40 of the Rules of the Supreme Court at all stages of a contested termination or adoption matter, including any hearings seeking pendente lite visitation. Such appointment shall be governed under rules 40 and 13 of the Rules of the Supreme Court, including compensation for such services; and

(4) Any contested hearing at any stage of a termination of parental rights hearing, including visitation hearings, shall not be open to the public and media, unless upon agreement by all parties, the child's guardian ad litem and upon court approval and order. Furthermore, all documents, evidence, records, reports, court transcripts, depositions, or testimony in any format shall be confidential and placed under seal and shall not be open for public inspection or disclosure except as provided by title 36. Such information produced as a result

of any such hearing shall be treated as part of the adoption record as defined in
Section 36-1-102.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.